

**THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	Chapter 13
	:	
Meredith M. Montanez	:	
	:	Case No. 17-15486 (AMC)
	:	
Debtor.	:	
	:	

**MOTION OF POLICE AND FIRE FEDERAL CREDIT UNION
FOR RELIEF FROM THE AUTOMATIC STAY TO EXERCISE RIGHTS
WITH RESPECT TO 3144 KNORR STREET, PHILADELPHIA, PA 19149**

Police and Fire Federal Credit Union (“PFFCU”), by and through its undersigned counsel, Dilworth Paxson LLP, hereby moves for relief from the automatic stay pursuant to 11 U.S.C. § 362(d) to exercise its rights with respect to its claim that is secured by real property located at 3144 Knorr Street, Philadelphia, PA 19149 (the “Real Property”), due to the Debtor’s lack of adequate protection.

I. BACKGROUND

1. Meredith M. Montanez (the “Debtor”) is indebted to PFFCU pursuant to certain Mortgage and Note, attached as Exhibit A. The Mortgage and Note were originally obtained on July 3, 2013 in the original amount of \$69,700.00. The Mortgage and Note are secured by a lien on the Real Property.

2. The Debtor is further indebted to PFFCU pursuant to a home equity loan and note (the “Home Equity Loan”), attached as Exhibit B. The Home Equity Loan was originally obtained on June 13, 2013 in the original amount of \$30,000. The Home Equity Loan is secured by a lien on the Real Property.

3. On August 11, 2017 (the “Petition Date”), the Debtor failed an individual voluntary petition under Chapter 13 of the Bankruptcy Code, initiating Bankruptcy Case No. 17-15486 (AMC).

4. As of the Petition Date, the Debtor was indebted to PFFCU for \$56,017.42 pursuant to the Mortgage and Note and \$19,747.60 pursuant to the Home Equity Loan.

5. The Debtor’s Chapter 13 Plan was confirmed on January 4, 2018.

6. Shortly after plan confirmation, the Debtor fell into post-petition arrears with PFFCU, requiring PFFCU to file a motion for relief from the automatic stay, which PFFCU withdrew upon the Debtor bringing her accounts current.

7. The Debtor has again fallen into post-petition arrears with PFFCU. As of the date of this motion, the Debtor is two months in arrears on the Mortgage for arrears of \$1,565.94 and two months in arrears on the Home Equity Loan for arrears of \$621.84, making for a total arrears of \$2,187.78 owed to PFFCU.

8. Because the Debtor is not making post-petition payments to PFFCU and is not making payments as proposed in her Chapter 13 plan, PFFCU’s interest in the Real Property is not adequately protected.

II. CAUSE FOR RELIEF FROM THE AUTOMATIC STAY EXISTS

9. Pursuant to section 362(d)(1) of the Bankruptcy Code, on request of a party in interest and after notice and a hearing, the court shall grant relief from the stay for cause, including lack of adequate protection of the party’s interest in property. 11 U.S.C. § 362(d)(1).

10. PFFCU has not received two post-petition payments from the Debtor for both the Mortgage and the Home Equity Loan, and the value of the Real Property continues to depreciate, significantly jeopardizing PFFCU’s secured interest in the Real Property. Given that the Debtor

has not made these payments to PFFCU post-petition, PFFCU's interests in the Real Property continue to be impaired and is not adequately protected as required by 11 U.S.C. § 361.

11. The Debtor's failure to remain current with the post-petition payment obligations is a breach of the Debtor's confirmed Chapter 13 plan.

12. Accordingly, cause exists pursuant to 11 U.S.C. § 362(d)(1) to lift the automatic stay to allow PFFCU to exercise its rights with respect to the Real Property.

III. CONCLUSION

WHEREFORE, PFFCU respectfully requests that this Court enter an Order granting relief from the automatic stay pursuant to § 362(d) so that PFFCU may exercise its rights with respect to the Real Property and granting such other and further relief as appropriate.

DILWORTH PAXSON LLP

/s/ Jack Small

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Dated: August 22, 2022

Attorney for Police and Fire Federal Credit Union